

IN THE DISTRICT COURT IN AND FOR LINCOLN COUNTY
STATE OF OKLAHOMA

FILED

MAY 26 PM 2:30

CINDY KIRBY CT. CLK.
LINCOLN CO., OKLA.

CRYSTAL DAWN ALBARRAN-GIRON,

Child A, A MINOR CHILD,
THROUGH MOTHER AND GUARDIAN AD
LITEM, CRYSTAL DAWN ALBARRAN-
GIRON

Child B, A MINOR CHILD,
THROUGH MOTHER AND GUARDIAN AD
LITEM, CRYSTAL DAWN ALBARRAN-
GIRON

Child C, A MINOR CHILD, BY
MOTHER AND GUARDIAN AD LITEM,
CRYSTAL DAWN ALBARRAN-GIRON

AND

JUAN ALBARRAN-GIRON, DECEASED,
THROUGH SURVIVING WIDOW,
CRYSTAL DAWN ALBARRAN-GIRON

Plaintiffs,

vs.

RONALD HARPER, RICHARD LEE
ALDRIDCH, CON-WAY TRUCKLOAD, INC.
d/b/a CON-WAY TRUCKLOAD, CON-WAY,
INC., ACE AMERICAN INSURANCE CO.,
and ACE LIMITED,

Defendants.

Case No. CJ-09-037

Judge Paul Vassar

JOINT MOTION TO SETTLE THE CLAIMS OF MINORS

COME NOW the Plaintiff and Defendant set forth above, and jointly move for this Court to approve a settlement agreement previously entered into between the parties, in accordance with 12 O.S. §83, all as more fully set forth below:



1. On or about December 24, 2008, at I-44 westbound, Mile Marker 159 in Lincoln County, Oklahoma, the minors, Child A, Child B and Child C

: (hereinafter referred to as "the minors"), were involved in an accident wherein said minors allegedly sustained injuries. As a result of the accident, the minors' mother and guardian ad litem, Crystal Dawn Albarran-Giron (hereinafter referred to as "Plaintiff"), has asserted claims against Ronald Harper (hereinafter referred to as "Defendant"). The claims are disputed as to liability and damages.

2. Plaintiff is the natural mother and has been appointed guardian ad litem of the minors and has the exclusive power to represent the minors in this action.

3. A compromised settlement agreement has been reached wherein the Defendant has offered and the Plaintiff has accepted the total sum of \$16,666.67 for the injuries to Child B, \$16,666.67 for the injuries to Child C, and \$16,666.66 for the injuries to Child A in settlement of any and all claims, past, present, and future, both of the minors and the Plaintiff.

4. Distribution of the settlement amount of \$16,666.67 for Child B shall be: Medical Service Providers - \$0; Legal Fees - \$7667.23; Trust Account - \$8999.44; and Crystal Dawn Albarran-Giron, individually and as mother and guardian ad litem of Child B a minor -\$0.

5. Distribution of the settlement amount of \$16,666.67 for Child C shall be: Medical Service Providers - \$0; Legal Fees - \$7667.23; Trust Account - \$8999.44; and Crystal Dawn Albarran-Giron, individually and as mother and guardian ad litem of Child C, a minor -\$0.

6. Distribution of the settlement amount of \$16,666.66 for Child A shall be: Medical Service Providers - \$0; Legal Fees - \$7667.23; Trust Account - \$8999.43; and Crystal Dawn Albarran-Giron, individually and as mother and guardian ad litem of Child A, a minor - \$0.

7. Plaintiff, in her individual capacity, has agreed to pay her own attorney fees where applicable, any and all outstanding medical bills, hospital liens, physician's liens, insurance subrogation claims, or any other claims against the proceeds of the settlements from the funds received and has agreed to indemnify Defendant Harper from any further loss or claims by any medical provider, lien claimant or subrogated claimant.

8. Petitioners believe that the settlement is fair, equitable and in the best interest of the minors and represent to the Court that the settlement agreements were entered into free from duress or coercion by either of the parties and that they have formed their opinions with regard to this settlement based upon their own independent beliefs and thoughts and not upon the representation of Defendant Harper.


9. Plaintiff is aware that this settlement, if approved by the Court, will fully compromise and conclude the minors' claims, and that the injured minors, and the minors' parent and next friend, will not be able to seek further compensation from Defendant Harper or Defendant Harper's insurer should the injured minors' condition change or new injuries develop or be discovered after this settlement.

10. Plaintiff is aware that Plaintiffs rights, if any, against other defendants is not affected by this settlement.

11. Plaintiff is also aware that by settling the minors' claims that both the injured minors, and the minors' parent, are giving up their right to file or continue a civil action against Defendant Harper due to the injuries sustained by the minors. Plaintiff is aware that the minors would otherwise have the right to file a civil action for the minors' damages within two (2) years of the date of the accident, or within one year from the date the injured minor reaches the age of majority, whichever is longer. Plaintiff is aware that as parent, guardian ad litem, and next friend of the injured minors, she would otherwise have the right to file a civil action for their damages within two (2) years of the date of the accident. If such civil action were pursued, Plaintiff is aware that a jury may award more, less, or the same amount as received in this settlement.

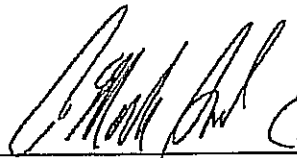
WHEREFORE, the Petitioners jointly request the Court to enter its order approving the compromise agreement reached between the parties, as well as, grant Plaintiff any and all other relief to which they are entitled.

Respectfully submitted,


CRYSTAL DAWN ALBARRAN-GIRON,
individually and as mother and guardian ad
litem of Child A, Child B and Child C,
minors,
Plaintiff



JOHN L. BRANUM, OBA# 20165
CARR & CARR
1350 S.W. 89th Street
Oklahoma City, Oklahoma 73159
(405) 249-4215
(Attorney for Plaintiff)



A. MARK SMILING, OBA# 10672
Bradford Place, Suite 150
9175 South Yale Avenue
Tulsa, Oklahoma 74137
(918) 477-7500
(918) 477-7510 *facsimile*
(Attorney for Defendant
Ronald Harper)